

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: VAN LUCHENE et al.

) Examiner: Not Yet Assigned

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Serial No.: Not Yet Assigned

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) Group Art Unit: Not Yet Assigned

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) Attorney Docket No: 03-030

)

Filing Date: March 15, 2004

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) **CUSTOMER NO.: 22927**

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For: METHOD AND APPARATUS FOR
MOTION-CONTROLLED
COMMUNICATION OF OFFERS

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 03.15.04 By:


 Veronika S. Leliever

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent

to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

- [] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
- ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.
9. ☐ I hereby certify:
- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ Please accept payment of the fees due as indicated below:
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


[] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

12. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

March 15, 2004
Date



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(203) 461-7300/fax

INFORMATION DISCLOSURE CITATION	Docket Number	03-030	Serial Number	Not Yet Assigned
	Applicants VAN LUCHENE et al.			
	Filing Date	March 15, 2004	Group Art Unit	Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
	A	4,567,609	01/28/86	Metcalf	382	9	
	B	4,603,390	07/29/86	Mehdipour et al.	364	467	
	C	4,743,022	05/10/88	Wood	273	85 CP	
	D	4,817,166	03/28/89	Gonzalez et al.	382	1	
	E	4,878,248	10/31/89	Shyu et al.	382	9	
	F	4,922,435	05/01/90	Cahlander et al.	364	513	
	G	4,963,723	10/16/90	Masada	235	384	
	H	5,034,739	07/23/91	Gruhl	340	932.2	
	I	5,058,044	10/15/91	Stewart et al.	364	551.01	
	J	5,081,685	01/14/92	Jones, III et al.	382	1	
	K	5,136,658	08/04/92	Mori	382	1	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	Translation	
							Yes	No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	L	Ramirez, Anthony, "The Pizza Version of Dialing '911'", The New York Times, September 9, 1991, Section D, pg. 1, Column 3, Financial Desk.
	M	O'Kane, Gerry, "Parking your car by computer", South China Morning Post, March 23, 1993, Section: Supplement, pg. 3.

EXAMINER

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	N	5,193,648	03/16/93	Yuter	186	38	
	O	5,204,675	04/20/93	Sekine	340	933	
	P	5,256,863	10/26/93	Ferguson et al.	235	383	
	Q	5,315,664	05/24/94	Kumagai	382	1	
	R	5,325,291	06/28/94	Garrett et al.	364	401	
	S	5,353,219	10/04/94	Mueller et al.	364	405	
	T	5,381,155	01/10/95	Gerber	342	104	
	U	5,422,473	06/06/95	Kamata	235	384	
	V	5,425,108	06/13/95	Hwang et al.	382	105	
	W	5,482,139	01/09/96	Rivalto	186	36	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	X	Rubel, Chad, "Young firm armed with technology fights an old giant; ETM to Ticketmaster: Let's rock", Marketing News TM, June 19, 1995, pg. 2.
	Y	"Click this box for extra pepperoni; CyberSlice routes online orders", The Dallas Morning News", December 2, 1996, Section: Business, pg. 6D.

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	Z	5,568,406	10/22/96	Gerber	364	562	
	AA	5,591,972	01/07/97	Noble et al.	250	330	
	BB	5,604,901	02/18/97	Kelley et al.	395	603	
	CC	5,638,302	06/10/97	Gerber	364	556	
	DD	5,651,075	07/22/97	Frazier et al.	382	105	
	EE	5,666,493	09/09/97	Wojcik et al.	705	26	
	FF	5,687,322	11/11/97	Deaton et al.	395	214	
	GG	5,710,557	01/20/98	Schuette	340	932.2	
	HH	5,719,396	02/17/98	Jack et al.	250	338.5	
	II	5,726,450	03/10/98	Peterson et al.	250	338.5	

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							Yes	No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)		
JJ	Popyk, Bob, "Turn customers into torchbearers", Boating Industry, September 1997, Section: No. 9, Vol. 60, pg. 33, ISSN: 0006-5404.	
KK	"Grocery shopping goes on line in many markets. Technology spurs remote ordering concept", The Dallas Morning News, May 12, 1997, Section: Business, pg. 2D.	

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	LL	5,737,710	04/07/98	Anthonyson	701	1	
	MM	5,832,457	11/03/98	O'Brien et al.	705	14	
	NN	5,842,178	11/24/98	Giovannoli	705	26	
	OO	5,842,212	11/24/98	Ballurio et al.	707	100	
	PP	5,938,717	08/17/99	Dunne et al.	701	117	
	QQ	5,948,038	09/07/99	Daly et al.	701	117	
	RR	6,026,375	02/15/00	Hall et al.	705	26	
	SS	6,115,649	09/05/00	Sakata	700	241	
	TT	6,374,240	04/16/02	Walker et al.	707	5	
	UU	6,645,078	11/11/03	Mattice	463	42	

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	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	VV	Heller, AI, "Chain Pharmacy: Forecast '98: New Technology Advances Pharmacy Productivity", Drug Store News, January 12, 1998, Section: pg. CP29.
	WW	Rubinstein, Ed, "Internet Continues to Fortify Takeout Sector For Operations", Nation's Restaurant News, March 23, 1998, Section: pg. 55.

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	XX	"Catching Red Light Runners", Advanced Transportation Technology News, June 1998, Section: Vol. 5, No. 2.	
	YY	Website: "Route Sales Automation", (http //www dacobusy com/), download date: March 16, 1999.	
	ZZ	Website: "Unit Tracking with the General Manager", Garage management needs., (http //www dacobusy com/garage/idxgarg htm), download date: March 16, 1999.	
	AAA	Website: "Alphatech, Inc. Looking to the Futue", (http //www alphatech com/), download date: March 25, 1999.	
	BBB	Website" "Alphatech: Technologies and Projects", (http //www alphatech com/secondary/techpro/compvis html), download date: March 25, 1999.	
	CCC	Website: "IMPS Vehicle License Plate Recognition System", (http //www Singapore com/optasia/imps), download date: March 25, 1999.	
	DDD	Website: "Moving and Stationary Target Acquisition and Recognition (MSTAR), MSTAR main, (http www alphatech com/secondary/techpro/projects/mstar/MSTAR_TopLevel html), download date: March 25, 1999.	
	EEE	Website: "Welcome to Q Lube!", (http //www qlube com/), download date: March 25, 1999.	
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